

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION

UNITED STATES OF AMERICA

VS.

TAURUS BROOKS,

Defendant

NO. 3: 07-MJ-08-03 (CWH)

VIOLATION: Drug Related

ORDER OF DETENTION PENDING TRIAL

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a DETENTION HEARING was this day held in the above-captioned case before the undersigned. The defendant was represented by Mr. John Philip Fox of the Macon Bar; the United States was represented by Assistant U. S. Attorney Michael T. Solis. Based upon the evidence presented and proffered to the court by counsel for the parties and the contents of the Pretrial Service Report dated August 13, 2007, as well as argument and comments of counsel, I conclude that the following facts require the detention of the defendant pending the trial of this case.

PART I - FINDINGS OF FACT

- ☒ (1) There is PROBABLE CAUSE to believe that the defendant has committed an offense
- ☒ for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act.
- ☐ under 18 U.S.C. §924(c).
- ☒ (2) The defendant has not rebutted the presumption established by finding (1) that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

ALTERNATIVE FINDINGS

- ☒ (1) There is a serious risk that the defendant will not appear.
- ☒ (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

PART II - WRITTEN STATEMENT OF REASONS FOR DETENTION

Applying the factors set forth in 18 U.S.C. §3142(g), I find that the evidence presented and proffered at the DETENTION HEARING, as supplemented by information contained in the Pretrial Services Report of the U. S. Probation Office dated August 13, 2007, independently establishes by clear and convincing evidence that no condition or combination of conditions set forth in 18 U.S.C. §3142(c) will reasonably assure the future appearance of defendant BROOKS and the safety of the community were he to be released from custody at this time. The offense charged against defendant BROOKS is a serious one for which long-term imprisonment may be imposed in the event of a conviction after trial or a plea of guilty. The weight of evidence is strong; the defendant made incriminating statements to law enforcement officers following his apprehension, admitting to possessing both powder cocaine and crack cocaine packaged for sale. Some 28 bags of crack cocaine were recovered from the automobile being driven by the defendant at the time of his apprehension, weighing some 147 grams. Evidence presented at the Detention Hearing established that defendant BROOKS fled from officer when they attempted to apprehend him by trying to outrun them in the automobile and by trying to outrun them on foot.

Defendant BROOKS has a record of arrests and convictions going back to 1996. He has a felony conviction in 1997 in the Superior Court of Athens-Clarke County, Georgia for AGGRAVATED ASSAULT. He also has a misdemeanor conviction in 1997 in the State Court of Athens-Clarke County for the offense of VIOLATION OF THE GEORGIA CONTROLLED SUBSTANCES ACT. In addition, the offense charged in the within [federal] complaint is alleged to have been committed by the defendant while on release on bond on state charges of POSSESSION OF MARIJUANA WITH INTENT TO DISTRIBUTE and POSSESSION OF HYDROCODONE, allegedly committed in Clarke County on March 5, 2007.

For the foregoing reasons, and because defendant BROOKS has exhibited a propensity to involve himself in illegal drug activity, pretrial detention is mandated and is SO ORDERED AND DIRECTED.

PART III - DIRECTIONS REGARDING DETENTION

The defendant is hereby committed to the custody of the Attorney General of the United States or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility BROOKS deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

SO ORDERED, this 15th day of AUGUST, 2007.



A handwritten signature in blue ink, reading "Claude W. Hicks, Jr.".

CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE